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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

**MICHELLE MAZUR, On Behalf of
Herself and all Others Similarly
Situated,**

Case No. C 07 3967 MHP

PLAINTIFF'S REQUEST FOR JUDICIAL NOTICE

Plaintiff,

v.

**EBAY, INC., HOT JEWELRY
AUCTIONS.COM d/b/a JEWELRY
OVERSTOCK AUCTIONS.COM d/b/a
PARAMOUNT AUCTIONS, and DOES
1-100, inclusive**

Defendants.

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1 Pursuant to Federal Rules of Evidence 201(b), Plaintiff hereby requests that this Court
 2 take judicial notice of the following documents attached to the Declaration of Matthew A. Siroka
 3 in Support of Plaintiff's Motion for Judicial Notice ("Siroka Declaration").

4 1. The Amended Class Action Complaint With Jury Demand, *Farris v. GoAntiques, Inc., et al.*, 2:05-CV-00227 (S.D. Ohio, dismissed Feb. 6, 2006).

5 2. Defendant eBay's Amended Motion to Dismiss Plaintiff's First Amended
 6 Complaint, *Farris v. GoAntiques, Inc., et al.*, 2:05-CV-00227 (S.D. Ohio, dismissed Feb. 6,
 7 2006).

8 **ARGUMENT**

9 This Court should take notice of the above-mentioned public documents ("the
 10 Documents"). When considering a motion to dismiss, "courts may take judicial notice of matters
 11 of public record outside the pleadings." *MGIC Indem. Corp. v. Weisman*, 803 F.2d 500, 504 (9th
 12 Cir. 1986). Judicial notice is appropriate for "facts not subject to dispute." Fed. R. Evid. 201(b).
 13 A court shall take judicial notice when requested by a party and when supplied by the necessary
 14 information. *See id.*

15 Here, Plaintiff has supplied this Court with court documents from the public record.
 16 Indeed, Defendant eBay itself filed the Documents in a District Court. Plaintiff is merely
 17 respectfully requesting that this Court take notice of the fact that such filings have taken place and
 18 that such filings were made by Defendant eBay. As such, this request involves a matter of public
 19 record involving facts which are not subject to dispute. In light of this, the Court should grant
 20 judicial notice with regards to the two above mentioned documents.

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CONCLUSION

That the above-mentioned documents have been filed by eBay in a Federal District Court is not subject to reasonable dispute and the Court should grant judicial notice in this instance.

Dated: San Francisco, California
December 6, 2007

Respectfully submitted,

/s/ Matthew A. Siroka
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